



U.S. Department
of Transportation
**Federal Aviation
Administration**

Technical Center

Atlantic City Int'l Airport
New Jersey 08405

October 16, 2000

FAA-00-8436-1

Federal Aviation Administration
Attn: Rules Docket, AGC-10
Office of Chief Counsel
800 Independence Ave., S.W.
Washington, DC 20591

Re: Exemption No. 6883
Regulatory Docket No. 10633

The FAA R&D Flight Program requests continued relief, beyond the present expiration date of April 9, 2001, from the following sections of Part 91 of the FARs:

91.117(a), 91.303(e)
91.119(c), 91.159(a)

The FAA R&D Flight Program continues to support varying R&D projects that require these exceptions. Examples are:
Traffic Alert and Collision Avoidance System encounters at closure speed great than 500 knots below 10,000 feet MSL, Precision runway monitor R&D flights which call for abrupt turns, altitude excursion below 1500 feet, and constant altitude orbits for VHF coverage tests.

Sincerely,

Thomas A. Grygotis
Manager, FAA R&D Flight Program, ACT-370

Enclosure

0010729 0010713

OFFICE OF THE ATTORNEY GENERAL

Exemption No. 1200A

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC 20591

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In the matter of the petition of *

FEDERAL AVIATION ADMINISTRATION *
TECHNICAL CENTER *

for an exemption from
Sections 91.117(a), 91.303(e),
91.119(c) and 91.159(a) *

Regulatory Docket No. 10633

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GRANT OF EXEMPTION

On October 15, 1970, the Federal Aviation Administration (FAA) issued Grant of Exemption No. 1200 to the National Aviation Facilities Experimental Center (NAFEC). This exemption granted relief from Sections 91.70(a), 91.71(d), 91.79(c), and 91.109(a) of the Federal Aviation Regulations (FAR) to the extent necessary to conduct flight operations in support of research and development projects, subject to certain conditions and limitations. Exemption No. 1200 remains in effect until superseded or rescinded by the FAA. The FAA Technical Center (Tech Center), formerly NAFEC, requested that Exemption No. 1200 be updated to reflect its name change and the recodification of Part 91 of the FAR. On August 18, 1989, the FAA published Amendment No. 91-211, effective August 18, 1990, that reorganized and renumbered Part 91 of the FAR. Therefore, the section numbers referenced in Exemption No. 1200 are no longer valid.

The petitioner requires relief from the following sections:

Section 91.117(a) (formerly Section 91.70(a)) states, in pertinent part, that no person may operate an aircraft below 10,000 feet mean sea level at an indicated airspeed of more than 250 knots.

Section 91.303(e) (formerly Section 91.91.71(d)) states that no person may operate an aircraft in aerobatic flight below an altitude of 1,500 feet above the surface.

Section 91.119(c) (formerly Section 91.79(c)) states that except when necessary for takeoff or landing, no person may operate an aircraft below 500 feet above the surface, except

over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

Section 91.159(a) (formerly Section 91.109(a)) prescribes, in pertinent part, the altitude to be maintained by aircraft operating under visual flight rules below 18,000 feet mean sea level while in level cruising flight at or above 3,000 feet above the surface.

The FAA has determined that good cause exists for not publishing a summary of the Tech Center's request in the Federal Register.

The FAA analysis/summary is as follows:

Under the Federal Aviation Act of 1958, the FAA has been assigned a mission which, in part, is the research and development of systems, procedures, facilities, and devices to meet the needs for safe and efficient navigation and traffic control. Consistent with this mission, certain flight operations must be conducted contrary to one or more of the FAR specified above.

The FAA has reviewed Exemption No. 1200 and has determined that it should be updated to reflect that the exemption holder is the Tech Center and that Part 91 of the FAR has been recodified.

In consideration of the foregoing, I find that a grant of this exemption is in the public interest. Therefore, pursuant to the authority contained in Sections 313(a) and 601(c) of the Federal Aviation Act of 1958, as amended, delegated to me by the Administrator (14 CFR 11.53), the Federal Aviation Administration Technical Center is hereby granted an exemption from the provisions of Sections 91.117(a), 91.303(e), 91.119(c), and 91.159(a) of the Federal Aviation Regulations to the extent necessary to conduct flight operations in support of research and development projects.

This exemption is subject to the following conditions and limitations:

operations contrary to Sections 91.117(a) and 91.159(a) shall:

1. Use a competent observer in addition to the pilot and copilot;
2. Be able to obtain traffic advisory service from Air Traffic Control; and
3. Not be conducted in flight visibility conditions of less

than 5 miles.

This exemption supersedes Exemption No. 1200 and expires on December 15, 1996, unless sooner superseded or rescinded.

/S/ L. Lane Speck
Director, Air Traffic Rules
and Procedures Service

Issued in Washington, DC on December 15, 1993.